

# Messages, Petitions, Communications, and Memorials to Congress

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## Summary

The Constitution and the rules of the House and Senate identify various means that citizens, subordinate levels of government, and other branches of the federal government may use to communicate formally with either or both houses of Congress. The House and Senate use written messages to communicate with the other. For more information on legislative process, see <http://www.crs.gov/products/guides/guidehome.shtml>.

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## Messages

The Constitution authorizes the President to recommend to Congress “such measures as he shall judge necessary and expedient.” Presidents communicate formally with Congress by written message. For many years, the President’s State of the Union message was sent to Congress in writing only; in 1913, Woodrow Wilson resumed Thomas Jefferson’s practice of giving this message both in person and in writing.

Presidential messages are printed in full in both the *Congressional Record* and the *Journal* of each House, although any accompanying supplemental materials are not.<sup>1</sup> The Speaker of the House and the presiding officer of the Senate may refer such messages to the appropriate committees. For example, the House refers the State of the Union message to the Committee of the Whole House on the State of the Union;<sup>2</sup> a veto message is not referred to a committee if the House or Senate votes immediately on overriding it.

The two houses also formally communicate with each other by written message. The Senate may receive a message from the President or the House anytime, unless the Senate is voting, determining the presence of a quorum, having the *Journal* read, or acting on a question of order or a motion to adjourn.<sup>3</sup> In the House, messages from the President and from the Senate, except those regarding Senate action on certain bills, are referred to the appropriate committees. If the Senate has passed a bill that the House, under its rules, will not consider in the Committee of the Whole, the House may act immediately on a message about that bill.

## Petitions

The First Amendment in the Bill of Rights guarantees that “Congress shall make no law respecting ... the right of the people peaceably to assemble and to petition the Government for a redress of grievances.” Individuals, groups, or organizations can petition Congress requesting it to act or not to act on a specific subject.

Petitions may be addressed to the Congress, the House or Senate, or to individual Representatives or Senators. In the House, Members forward petitions they receive to the Clerk of the House, “and may specify the reference or disposition to be made thereof.”<sup>4</sup> House precedents indicate that petitions may be presented to the House by the Speaker or by any other Member.<sup>5</sup> Under current practice, after they are received by the clerk, petitions are presented to the Speaker for

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<sup>1</sup> See “The State of the Union Address by the President of the United States,” *Congressional Record*, daily edition, Jan. 28, 2008, pp. H472-H476; and “Report on the State of the Union Delivered to a Joint Session of Congress on January 28, 2008,” *Congressional Record*, daily edition, Jan. 28, 2008, pp. S390-S394.

<sup>2</sup> See “Message of the President Referred to the Committee of the Whole House on the State of the Union,” *Congressional Record*, daily edition, Jan. 28, 2008, p. H476.

<sup>3</sup> Senate Rule IX, para. 1.

<sup>4</sup> House Rule XII, cl. 3.

<sup>5</sup> U.S. Congress, House, *House Practice*, compiled by Wm. Holmes Brown and Charles W. Johnson, 108<sup>th</sup> Cong., 1<sup>st</sup> sess. (Washington: GPO, 2003), p. 172.

referral to committee.<sup>6</sup> A summary of the petition, the name of the first signer, their general place of residence, and the committees to which the petition is referred, are printed in the *Journal* and published in the *Congressional Record*.<sup>7</sup> In the Senate, petitions are presented from the floor or delivered to the Secretary of the Senate and are referred to the appropriate committee; Senate rules provides a rarely used procedure in which the Senate may vote without debate on the question of receiving a particular petition or memorial.<sup>8</sup>

## Communications

Narrowly defined, a communication is a written submission from a federal government department, agency, or other entity. Most are sent to Congress to comply with statutes,<sup>9</sup> to comply with a specific request from either or both chambers, to suggest legislation to appropriate congressional committees, or comment on measures already introduced. In both chambers, executive communications are numbered sequentially throughout each Congress for identification and are referred to the appropriate committee for possible further action.<sup>10</sup>

## Memorials

A memorial is a request, usually from a state legislature, that the Congress take some action, or refrain from taking certain action. Memorials may be addressed to the House or Senate as a whole, to the Speaker or presiding officer of the Senate, or to individual Senators or Representatives. The Senate prints the full text of memorials received from state legislatures in its section of the *Congressional Record*, but does not appear to print items sent by municipal governments. The House appears to recognize as memorials only those documents sent by state legislatures,<sup>11</sup> and only prints the title of a memorial in the *Congressional Record*.<sup>12</sup>

In the 18<sup>th</sup> and 19<sup>th</sup> centuries when state legislatures elected Senators, many of them sent memorials to their Senators “instructing” them how to vote on certain pending controversial measures. Some Senators viewed instructions as binding, but many did not. Since the popular election of Senators in 1913, state legislatures have ceased issuing instructions. Today, they use memorials or less formal means of communication to urge congressional action rather than demanding it.<sup>13</sup>

House and Senate sections of the *Congressional Record* note each chamber’s receipt and disposition of messages, petitions and memorials, and other formal communications. Committees

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<sup>6</sup> House Rule XII, cl. 7(a).

<sup>7</sup> See “Petitions, Etc.,” *Congressional Record*, daily edition, Nov. 15, 2007, pp. H14085-H14086.

<sup>8</sup> Senate Rule VII, para. 4

<sup>9</sup> See U.S. Congress, House, *Reports to be Made to Congress*, H.Doc. 109-4, 109<sup>th</sup> Cong., 1<sup>st</sup> sess. (Washington: GPO, 2005), for examples.

<sup>10</sup> See “Executive and Other Communications,” *Congressional Record*, daily edition, Mar. 13, 2008, pp. S2129-S2129; and “Executive Communications, Etc.,” *Congressional Record*, daily edition, Mar. 14, 2008, p. H1770.

<sup>11</sup> Items submitted by municipal governments appear to be accepted by the House as petitions.

<sup>12</sup> See “Memorials,” *Congressional Record*, daily edition, Feb. 28, 2008, p. H1183 and “Petitions and Memorials,” *Congressional Record*, daily edition, Mar. 13, 2008, pp. S2129-S2130.

<sup>13</sup> For example, the Michigan Senate recently adopted a resolution “[t]hat we memorialize the Congress of the United States to reject legislation that would preempt the authority of the Great Lakes states to curb the release of ballast water....” The Senate referred the memorial to the Committee on Commerce, Science and Transportation on Mar. 13, 2008. “Senate Resolution No.86,” *Congressional Record*, daily edition, Mar. 13, 2008, p. S2130. No further action has been taken as of the time of this writing.

rarely take any formal action on any of these items referred to them. Nevertheless, they may prompt the committees to hold oversight hearings or they may be cited in committee reports on related legislation. House precedents record instances in which a petition or memorial prompted the House to begin an impeachment inquiry<sup>14</sup> and to investigate the constitutional qualifications of a Member-elect.

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## **Acknowledgments**

This report was written by Paul S. Rundquist, formerly a Specialist in American National Government at CRS. Dr. Rundquist has retired, but the listed author updated the report and is available to answer questions from congressional clients concerning its contents.

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<sup>14</sup> *House Practice*, p. 598.